

REMARKS

Corrected drawings are submitted herewith. Applicants acknowledge the election to continue prosecution in this application of the invention drawn to Group XIV, Claims 109-115. Claims 1-108 and 116 being thereby withdrawn in view of the Restriction Requirement, are canceled without prejudice. This cancellation has nothing to do with the merits of these claims. Claims 109-115 are pending and under consideration.

Claim Rejections under 35 U.S.C § 103

The Examiner's rejection of Claims 109-115 under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto et al. ("Matsumoto"), U.S. Patent No. 5,263,715 in view of Edgeworth, U.S. Patent 2,125,236 and Bunco Rules is respectfully traversed for at least the reasons given below.

The foregoing claims are directed to a Bunco-type video gaming machine that has a set of differing dice elements. A match point is either preset or randomly selected that has a respective match indicium. The dice elements are tossed. The object is to match the randomly selected indicium of the dice element to the match indicium of the match point. A payout is based upon the wager and predetermined value for a winning combination presented by the dice toss.

Matsumoto discloses a dice displaying apparatus that includes a trackball to roll the dice. The trackball determines the die speed and rolling angles from the amount and direction of the trackball operation. The object of Matsumoto is to provide a pseudo-real feeling of "throwing dice". As the Examiner notes on page 3 of his Detailed Action, Matsumoto does not teach

Bunco or matching the indicium of each die element tossed with the match indicium of the match point.

Edgeworth discloses an apparatus including a turn-table, trap, feeler pins and dial device for manipulation of dice elements during play of a game. Ten dice are confined to an enclosure with a top circular opening arranged to rotate a turn-table or disc. After the dice have been tumbled, with a maximum of thirteen rolls, they are directed into a trap with feeler pins that registers the number of dice displaying a certain character.

The displayed characters of the dice determine the player's score. The dial device tracks the number of cycles of the apparatus, such that thirteen rolls are not exceeded. The object of one game played in accordance with the invention is for the player to exceed twenty-six points. First the player chooses one out of ten characters. The player has thirteen rolls to accumulate twenty-six or more points by matching the character he chose to the characters displayed on the dice after tumbled by the apparatus. If the player exceeds twenty-six points in thirteen rolls or less, the player merely wins. A wager and payout is nowhere disclosed. Edgeworth does not teach a video display device including a wager and payout according to a paytable as claimed in independent Claim 109. Edgeworth is simply a dice game.

Further, the present invention is not directed to just Bunco, but a Bunco-type dice game. Although the present invention has attributes of a Bunco game, it is not obvious in light of the traditional rules of Bunco. For example, the first round of a traditional Bunco game starts with all tables of players rolling three dice to try and achieve a designated point. Scores are accumulated each time a die matches the current point. If all three die match on indicia, but not

the designated point, the player scores five points. If all three die match the designated point, the team yells "Bunco" and receives twenty-one points. In contrast, the present invention presets or randomly selects a match point and further includes a payout based on a wager and predetermined value of a winning combination.

In contrast to Applicants' foregoing Claims, Matsumoto, Edgeworth and the rules of Bunco alone or in combination, do not teach each aspect of the claimed invention including a video display device and a program to match the preset or randomly selected match point to the randomly selected indicia of the dice element, which also determines the payout.

Further, none of the references suggest any modification to arrive at Applicants' invention. At best, combining Matsumoto, Edgeworth and traditional Bunco rules would result in a game apparatus mechanism that includes a trackball for manipulating dice elements and a trap with feeler pins to register the number of dice displaying a certain character to achieve a designated point. This is nothing like the Bunco-type game of Claim 109. The Examiner has used very disparate references, and takes only pieces of them which are then attempted to be put together to meet Claim 109; yet even so, those pieces do not add up to Claim 109. Moreso, this prior art shows that Applicants are indeed the first to make a video gaming machine based upon a Bunco dice game. This alone shows unobviousness, since as the Examiner recounts, "Bunco is an extremely popular game and has been for over a century". Yet no one but Applicants have adapted it to a video gaming machine in all that time, and a specialized game at that.

Claims 110-115 contain all the limitations of independent Claim 109. Since Claim 109 is allowable over the references cited for the reasons stated above, Claims 110-115 are also

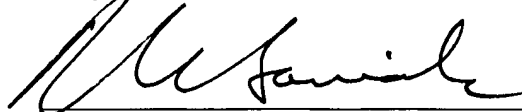
allowable since they depend from an allowable independent Claim, and therefore need not be further discussed as to patentable distinctions over the prior art, which they possess. Nonetheless, Claim 110 recites a second payable for a bonus award wherein the payable increases in award value with each successive stage of play, which is not shown in this art.

Accordingly, it is respectfully requested the rejections be withdrawn.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Baniak", written over a horizontal line.

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